

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 1:22-cv-06932-JLR

RICHARD FICHTL,

Plaintiff,

vs.

FIRST UNUM LIFE
INSURANCE COMPANY,

Defendant.

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DECLARATION OF JEREL C. DAWSON

JEREL C. DAWSON, an attorney for Plaintiff Richard Fichtl and admitted to practice in this Court *pro hac vice*, declares pursuant to 28 U.S.C. § 1746 under penalty of perjury that the following is true and correct:

1. My name is Jerel C. Dawson. I make this declaration in support of Plaintiff's application for attorney's fees in the above-captioned lawsuit.

2. I received a Bachelor of Arts degree from the University of Florida in 1990, a Master of Arts degree from the University of Alabama in 1993, and a *Juris Doctor* degree, *magna cum laude*, from Florida State University in 1998.

3. I have been a member in good standing of the Bar of the State of Florida since 1998. I am admitted to practice in federal district courts throughout Florida, as well as in the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Eleventh Circuit, and the Supreme Court of the United States.

4. From 1998 through May 2001, I was employed as an attorney by the law firm of Levy, Kneen, Mariani, Curtin, Kornfeld & del Russo, P.A., in West Palm Beach, Florida. In that capacity I had primary responsibility for researching legal issues and drafting written product in the firm's civil litigation department, working mainly in the fields of general commercial litigation and employment discrimination defense.

5. From June 2001 through July 2003, I was employed as an attorney by the law firm of Gallwey, Gillman, Curtis & Vento, P.A., in Miami, Florida. During that period, my practice focused increasingly on representing insurance companies in federal ERISA disability litigation.

6. From August 2003 through May 2022, I was employed as an attorney (and eventually named a partner) by the law firm of Shutts & Bowen LLP in Miami, Florida. During that time, I practiced almost exclusively in the field of ERISA disability litigation and appeals, representing insurers such as (among others) Aetna Life Insurance Company, Hartford Life and Accident Insurance Company, and Standard Insurance Company.

7. Since June 2022 I have been a partner in the law firm of Attorneys Dell and Schaefer, Chartered ("Dell & Schaefer"), in Weston, Florida. Dell & Schaefer specializes in representing plaintiffs in ERISA disability cases and has done so for many years.

8. I have researched and solely drafted (and in many cases, orally argued) successful dispositive motions in more than fifty ERISA disability actions, including but not limited to the following district court decisions:

- *Allen v. First Unum Life Ins. Co.*, No. 2:18-cv-69, 2023 WL 1781509 (M.D. Fla., Feb. 6, 2023).
- *Altemus v. Hartford Life Ins. Co.*, No. 8:07-cv-483, 2008 WL 906728 (M.D. Fla., Apr. 3, 2008).
- *Becker v. Hartford Life and Acc. Ins. Co.*, No. 8:05-cv-551, 2006 WL 1360928 (M.D. Fla., May 17, 2006).

- *Benson v. Hartford Life & Acc. Ins. Co.*, No 1:17-cv-247, 2018 WL 6442979 (N.D. Fla., Oct. 22, 2018), *aff'd*, 791 F. App'x 152 (11th Cir. 2019).
- *Bloom v. Hartford Life and Acc. Ins. Co.*, 917 F. Supp.2d 1269 (S.D. Fla. 2013), *aff'd*, 558 F. App'x 854 (11th Cir. 2014).
- *Boatwright v. Aetna Life Ins. Co.*, 599 F. Supp.3d 1218 (M.D. Fla. 2022).
- *Borschel v. Continental Cas. Co.*, 536 F. Supp.2d 1294 (S.D. Fla. 2008).
- *Bruce-Thomas v. Hartford Life and Acc. Ins. Co.*, No. 6:14-cv-1194, 2015 WL 736350 (M.D. Fla., Feb. 20, 2015).
- *Clark v. Hartford Life and Acc. Ins. Co.*, No. 8:05-cv-67, 2006 WL 890660 (M.D. Fla., Apr. 6, 2006), *aff'd*, 195 F. App'x 932 (11th Cir. 2006).
- *Cook v. Aetna Life Ins. Co.*, No. 13-60231, 2014 WL 11381089 (S.D. Fla., Jan. 7, 2014), *aff'd*, 589 F. App'x 519 (11th Cir. 2015).
- *Cook v. Standard Ins. Co.*, No. 6:08-cv-759, 2010 WL 807443 (M.D. Fla., Mar. 4, 2010).
- *Cusumano v. Continental Cas. Co.*, No. 6:07-cv-141, 2008 WL 1711405 (M.D. Fla., Apr. 10, 2008).
- *DeLorenzo v. Hartford Life and Acc. Ins. Co.*, No. 8:03-cv-2097, 2006 WL 485119 (M.D. Fla., Feb. 28, 2006).
- *Giertz-Richardson v. Hartford Life and Acc. Ins. Co.*, 536 F. Supp.2d 1280 (M.D. Fla. 2008).
- *Herman v. Hartford Life and Acc. Ins. Co.*, No. 10-61661, 2012 WL 1004849 (S.D. Fla., Mar. 26, 2012), *aff'd*, 508 F. App'x 923 (11th Cir. 2013).
- *Herring v. Aetna Life Ins. Co.*, 898 F. Supp.2d 1313 (S.D. Fla. 2012), *aff'd*, 517 F. App'x 897 (11th Cir. 2014).
- *Hopp v. Aetna Life Ins. Co.*, 3 F. Supp.3d 1335 (M.D. Fla. 2014).
- *Howard v. Hartford Life & Acc. Ins. Co.*, 929 F. Supp.2d 1264 (M.D. Fla. 2013), *aff'd*, 563 F. App'x 658 (11th Cir. 2014).
- *Kiloh v. Hartford Life Ins. Co.*, No. 8:04-cv-1741, 2005 WL 2105957 (M.D. Fla., Aug. 31, 2005).

- *Kircher v. Continental Cas. Co.*, No. 2:06-cv-119, 2007 WL 9757867 (M.D. Fla., Feb. 27, 2007).
- *Krohmer-Burkett v. Hartford Life and Acc. Ins. Co.*, No. 8:03-cv-873, 2005 WL 2614503 (M.D. Fla., Oct. 14, 2005).
- *Lane v. Hartford Life and Acc. Ins. Co.*, No. 8:04-cv-654, 2005 WL 2978163 (M.D. Fla., Nov. 7, 2005).
- *Mason v. Hartford Life and Acc. Ins. Co.*, No. 02-10067, 2004 WL 2674352 (S.D. Fla., Aug. 31, 2004).
- *McCook v. Aetna Life Ins. Co.*, No. 3:17-cv-823, 2019 WL 126211 (M.D. Fla., Jan. 8, 2019).
- *Moeller v. Guardian Life Ins. Co. of Am.*, No. 5:10-cv-457, 2011 WL 7981954 (M.D. Fla., Dec. 16, 2011).
- *Morton v. Hartford Life and Acc. Ins. Co.*, No. 6:05-cv-101, 2006 WL 8439613 (M.D. Fla., June 30, 2006).
- *Murray v. Hartford Life & Acc. Ins. Co.*, 623 F. Supp.2d 1341 (M.D. Fla. 2009), *aff'd*, 363 F. App'x 710 (11th Cir. 2010).
- *Ness v. Aetna Life Ins. Co.*, 257 F. Supp.3d 1280 (M.D. Fla. 2017).
- *Normil v. Colonial Life and Acc. Ins. Co.*, 403 F. Supp.2d 1159 (S.D. Fla. 2005).
- *O'Leary v. Aetna Life Ins. Co.*, No. 3:16-cv-389, 2017 WL 6617052 (N.D. Fla., Oct. 19, 2017), *aff'd*, 750 F. App'x 896 (11th Cir. 2018).
- *Pinto v. Aetna Life Ins. Co.*, No. 6:09-cv-1893, 2011 WL 536443 (M.D. Fla., Feb. 15, 2011).
- *Richards v. Hartford Life & Acc. Ins. Co.*, 356 F. Supp.2d 1278 (S.D. Fla. 2004), *aff'd*, 153 F. App'x 694 (11th Cir. 2005).
- *Richey v. Hartford Life & Acc. Ins. Co.*, 608 F. Supp.2d 1306 (M.D. Fla. 2009).
- *Ridgway v. Standard Ins. Co.*, No. 8:09-cv-728, 2010 WL 3367909 (M.D. Fla., July 27, 2010).

- *Sanzone v. Hartford Life and Acc. Ins. Co.*, No. 06-61135, 2008 WL 80984 (S.D. Fla., Jan. 3, 2008).
- *Scott v. Hartford Life and Acc. Ins. Co.*, No. 2:05-cv-203, 2006 WL 516849 (M.D. Fla., Mar. 2, 2006).
- *Singer v. Paul Revere Life Ins. Co.*, 599 F. Supp.3d 1265 (S.D. Fla. 2022).
- *Sobh v. Hartford Life and Acc. Ins. Co.*, No. 8:15-cv-716, 2015 WL 7429394 (M.D. Fla., Nov. 23, 2015), *aff'd*, 658 F. App'x 459 (11th Cir. 2016).
- *Tindell v. Tree of Life, Inc.*, 672 F. Supp.2d 1300 (M.D. Fla. 2009).
- *Vivas v. Hartford Life and Acc. Ins. Co.*, 49 F. Supp.3d 1124 (S.D. Fla. 2014).
- *Williams v. Hartford Life and Acc. Ins. Co.*, No. 8:02-cv-85, 2010 WL 557265 (M.D. Fla., Feb. 12, 2010).

9. With respect to each of the above-listed decisions that was subsequently affirmed by the Eleventh Circuit, I had sole responsibility for drafting all appellate briefs and handling any oral argument on appeal.

10. I have authored or co-authored several published articles on ERISA litigation issues.

11. In the present case, as documented in billing records filed contemporaneously herewith, I have expended a total of 136.2 hours performing legal services. The great majority of this time was spent (a) reviewing and analyzing the administrative record (comprising 3,521 pages), (b) researching relevant legal issues, (c) drafting Plaintiff's mediation statement, (d) drafting Plaintiff's dispositive motion and supporting legal memoranda, and (e) drafting Plaintiff's memorandum in opposition to Defendant's dispositive motion. Based on my 20-plus years of experience as an ERISA disability litigator, all time expended was necessary and appropriate.

12. The time entries for my work as set forth in the billing records filed contemporaneously herewith are based on my contemporaneous written recording of the time expended on each task listed.

Dated: April 22, 2024

/s/Jerel C. Dawson
Jerel C. Dawson

